



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 28, 2021

Ms. Laura Boerner, Chief
Environmental and Cultural Resources Branch
Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

RE: Federal Consistency Concurrence for Repairs to the Lynden Levee near the City of Lynden, Whatcom County, Washington.

Dear Laura Boerner:

On March 3, 2021, the Seattle Branch of the Army Corps of Engineers (USACE) sent the Department of Ecology (Ecology) a Consistency Determination (CD) for repairs to the Lynden Levee project. The purpose of the project is to repair the Lynden Levee to a 10-year level of flood protection. A November 2017 flood event damaged approximately 732 linear feet (LF) of the levee at two locations. Site 1 is located next to the Lynden Wastewater Treatment Plant (WWTP) in Lynden, Washington and was damaged along 457 LF on the right bank. Site 2 is approximately 1.3 miles downstream of the WWTP and was damaged along 275 LF on the right bank. Repairs will restore adequate and reliable flood protection at the same level provided by the levee prior to the November 2017 event.

The project triggers Washington's Coastal Zone Management Program's (CZMP) enforceable policies found in the state Shoreline Management Act, and the USACE opted to demonstrate compliance with those policies by analyzing the Whatcom County Shoreline Master Program. Additionally, Ecology has issued a Section 401 WQ Certification, which satisfies the requirement that the project be consistent with the state Water Pollution Control Act's enforceable policies. Additionally, EPA will issue a Section 402 National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit for the project. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the USACE's determination that the proposed project is consistent to the maximum extent practicable with Washington's CZMP.

Should you have any questions regarding Ecology's concurrence, please contact Therese Swanson at 360-584-3744 or terry.swanson@ecy.wa.gov.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person (addresses below). E-mail is not accepted.
- Comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Ecc: Joanne Gardiner, USACE
Rebekah Padgett, Ecology NWRO
Loree' Randall, Ecology HQ
ecyfedpermit@ecy.wa.gov